



W.A.Nos.930 & 1028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.Nos.930 & 1028 of 2025

The Chairman
Tamil Nadu Housing Board
No.331, Anna Salai
Nandanam
Chennai 600 035

.. Appellant in both the W.A's

v.

Tmt.Indirani

.. 1st respondent in WA.930/2025

R.Kesavan
R.Elumalai
J.Dhanammal

.. Respondents 1 to 3 in
WA.1028/2025

Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George/Secretariat,
Chennai 600 009

.. 2nd respondent in WA.930/25 &
4th respondent in WA.1028/25



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The Collector
Thiruvallur District
Thiruvallur.

.. 3rd respondent in
WA.1028/2025

Memorandum of Grounds of Writ Appeals filed under Clause 15 of the Letters Patent against the orders dated 18.11.2021 & 07.01.2022 passed in W.P.Nos.8937 of 2010 & 4825 of 2019, respectively.

For Appellant :: Dr.N.Moorthi.
Standing Counsel for TNHB

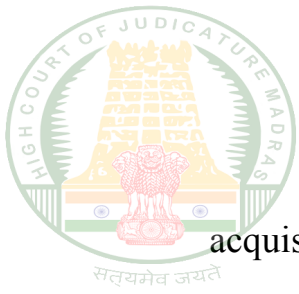
For Respondents :: Mr.Vadivelu Deenadayalan
Additional Government Pleader
for R2 and R3 in WA.930/25 &
R4 in WA.1028/25
Not ready in notice reg R1 / R1 to R3
in both the WAs

COMMON JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The intra-Court appeals on hand have been instituted under Clause 15 of the Letters Patent, challenging the orders passed by the writ Court dated 18.11.2021 & 07.01.2022 in the respective writ petitions.

2. The facts in brief required for consideration would be that the land



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acquisition proceedings in five villages, namely, Koothambakkam, Vellavedu, Parvatharajapuram, Narasingapuram and Chembarambakkam villages were initiated by the Government under the Land Acquisition Act, 1894 (hereinafter referred to as “the old LA Act”) in the year 1998, pursuant to the announcement made by the Hon'ble Minister for Housing and Urban Development on the floor of the Assembly on 21.08.1996, for developing Tirumazhisai Neighbourhood Scheme through the requisitioning body, Tamil Nadu Housing Board. Acquisition proceedings were initiated to acquire 1694.98 acres, which includes 743.35 acres of wet lands and 951.63 acres of dry lands. S.4(1) notification was issued. Admittedly, awards have been passed in respect of 466.49 acres, which includes 371.59 acres of wet lands and 94.90 acres of dry lands. In respect of lands acquired after passing of awards, the Government passed an order and handed over the acquired lands to the Tamil Nadu Housing Board. Challenging S.4(1) notification, writ petitions were filed by the owners. The batch of writ petitions filed challenging S.4(1) notification were allowed and aggrieved thereby, the Tamil Nadu Housing Board and the Special Tahsildar (Land Acquisition) preferred writ appeals before this Court. The writ appeals filed



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by the Tamil Nadu Housing Board were dismissed by the Division Bench of

WEB COPY this Court vide the common judgment dated 19.10.2023. Special Leave Petition filed by the Tamil Nadu Housing Board was dismissed at the admission stage.

3. Fact remains that the Government itself came out with a revised proposal and had taken a decision to drop the acquisition proceedings in respect of cases where no award has been passed. Accordingly, lands to an extent of 1228.49 acres were exempted from land acquisition proceedings, mainly on the ground that no award has been passed in those cases. The Government considered the revised proposal of the Managing Director, Tamil Nadu Housing Board for formation of Tirumazhisai Satellite Township and decided not to acquire lands any further, except 235.67 acres of lands, for which awards have been passed and possession handed over to Tamil Nadu Housing Board, 33.42 acres for which possession yet to be handed over to Tamil Nadu Housing Board, 102.50 acres covered under Court cases, for which award has already been passed. Altogether 371.59 acres of wet lands and 94.90 acres of dry lands, for which award has been



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passed and possession yet to be handed over and 12.96 acres of wet lands for formation of approach road. Entire land is totally 466.49 acres.

4. As far as the present writ appeals are concerned, the acquisition involved is to an extent of 83.29 acres. It is not in dispute between the parties that award had been passed in all those cases and compensation had been deposited either in civil Court deposit or in district treasury and in some of the cases, the erstwhile land owners withdrew the award amount. Therefore, out of 466.49 acres of lands, wherein award has been admittedly passed, 83.29 acres of lands including the lands covered in two writ petitions have been involved in respect of the batch of writ appeals now before this Court.

5. The learned Standing Counsel appearing on behalf of the Tamil Nadu Housing Board would mainly contend that the lands involved in the present writ appeals measuring 83.29 acres are concerned, admittedly award has been passed and compensation has been deposited by the Government and the Tamil Nadu Housing Board being the requisitioning body has taken



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possession. The Tamil Nadu Housing Board has already developed Tirumazhisai Satellite Township under the very same scheme originally mooted out and extended the scheme for 350 acres and the scheme is in progress. When the scheme is being implemented in about 350 acres with construction of bus stand and developments have already been made in some areas, approximately about 122.99 acres, the lands acquired to an extent of 83.29 acres are also part of the same Tirumazhisai Satellite Township and therefore the learned single Judge has committed an error in allowing the writ petitions relying on the judgment of the Division Bench in connection with S.4(1) notification.

6. The learned Standing Counsel would further submit that the benefit of G.O.Ms.No.7 dated 03.01.2007 cannot be extended to the private respondents in the present writ appeals, in view of the fact that in their cases, award has been passed in the year 2006 and compensation has been deposited and possession taken. Even as per the Constitution Bench judgment of the Hon'ble Supreme Court in the case of *Indore Development Authority v. Manoharlal and others etc.*, (2020) 8 SCC 129, one of the



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conditions under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the new LA Act”) is complied with, then the acquisition cannot be held as lapsed. Thus the writ Court has erred in allowing the writ petitions.

7. Regarding re-conveyance of land under Section 48-B of the old LA Act is concerned, the land vest with the Government was transferred in favour of the requisitioning body, Tamil Nadu Housing Board. Therefore, re-conveyance of land under Section 48-B would not arise at all.

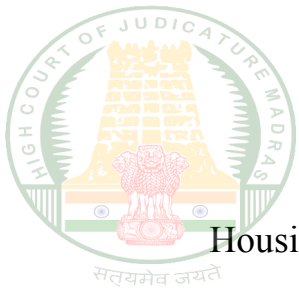
8. It is the claim of the private respondents that the Division Bench of this Court, while dealing with the batch of writ appeals in connection with the challenge made to S.4(1) notification, made an observation that large chunk of lands were excluded from land acquisition proceedings by virtue of G.O.Ms.No.7 dated 03.01.2007. The respondents/writ petitioners are also similarly placed and they are entitled for the same relief.



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9. The observations made by the Division Bench of this Court in the batch of writ appeals are relied upon by the private respondents so as to submit that once the scheme is dropped partially, the remaining lands acquired are also to be exempted under Section 48-B of the old LA Act. Even otherwise, the respondents are entitled to the benefit under Section 24(2) of the new LA Act, as possession vest with the private respondents and symbolic possession would be insufficient.

10. Firstly, regarding re-conveyance of land under Section 48-B of the old LA Act is concerned, satisfaction of Government is the requisite element for re-conveyance of land, which was already acquired. The Government must be satisfied that the land, which is sought to be released, is not required for the purpose for which it was acquired or for any public interest. It is needless to state that once the lands are acquired, declaration issued, award passed and compensation deposited, the lands absolutely vest with the Government and therefore, re-conveyance cannot be claimed as an absolute right by the erstwhile land owners. In the present cases, lands acquired by the Government were transferred in favour of the Tamil Nadu



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Housing Board and the Tamil Nadu Housing Board is in the process of implementing Tirumazhisai Satellite Township. It is brought to the notice of this Court that the scheme is in implementation and developments are already made in respect of the lands measuring to an extent of 122.99 acres. The award is also passed in respect of 466.49 acres of lands, out of which 350 acres are being utilized for developing Tirumazhisai Satellite Township. There is no dispute in respect of 350 acres of land, since the land owners have not come forward to challenge the acquisition. In cases where no award has been passed, that land has been dropped and as far as the cases where awards have been passed, the Government transferred the lands to the Tamil Nadu Housing Board and the said lands are being utilized for developing Tirumazhisai Satellite Township.

11. The respondents made an attempt to take advantage of the Government Order passed in G.O.Ms.No.7, Housing and Urban Development Department dated 03.01.2007 granting exemption in respect of 1228.49 acres. As far as the said lands are concerned, admittedly, no award was passed and therefore the equality clause pleaded by the private



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respondents deserves no merit consideration. Equality clause is to be applied amongst equals and not against unequals. In the present cases, award passed cases cannot be equated with award not passed cases. Admittedly, in the case of private respondents in the present writ appeals, awards were passed and compensation was deposited by the Government and some of the land owners had already withdrew the compensation and some filed petitions for enhancement of compensation. That being so, the observations made by the Division Bench in respect of the writ appeals filed challenging S.4(1) notification has no application in respect of the private respondents in the present writ appeals. Even after granting exemption to a larger extent, the land already vest with the Government. An extent of 466.49 acres were transferred to the Tamil Nadu Housing Board and the Tamil Nadu Housing Board has commenced its project and is in the process of implementing the Tirumazhisai Satellite Township. Thus the point of discrimination raised by the private respondents would have no application.

12. In respect of Section 24(2) of the new LA Act, it is not in dispute that in respect of the lands acquired from the private respondents in the



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present writ appeals, compensation amount was deposited pursuant to the award passed in the year 2006. Some of the owners have already withdrawn the compensation. Even as per the ratio laid down by the Constitution Bench of the Hon'ble Supreme Court of India in the case of *Indore Development Authority v. Manoharlal and others etc.*, (2020) 8 SCC 129, settled cases cannot be unsettled after a lapse of long years. It is sufficient if anyone of the conditions contemplated under Section 24(2) has been complied with. In the present cases, there is no dispute between the parties that the compensation had already been deposited.

13. Regarding possession, the Tamil Nadu Housing Board would submit that they have taken possession. Though it is disputed by the private respondents/owners, the same deserves no further consideration, in view of the fact that award was passed in the year 2006 and compensation had already been deposited and Tirumazhisai Satellite Town is under development. That being so, the benefit of Section 24(2) of the new LA Act cannot be extended in favour of the private respondents.



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14. As far as the Division Bench judgment relied on by the private respondents is concerned, the observations made therein are of no avail, since those writ petitions are relating to the challenge made to S.4(1) notification and more so, the Government has dropped the acquisition proceedings in respect of cases where no award has been passed. In view of the above discussions, this Court is of the considered opinion that the reliance placed by the writ Court with reference to the findings made in the Division Bench order dated 19.10.2023 are of no avail. Consequently, the impugned orders dated 18.11.2021 & 07.01.2022 passed in the writ petitions are set aside and the writ appeals are allowed. Consequently, C.M.P.Nos.7913 & 8346 of 2025 are closed. No costs.

Index : yes
Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)
29.04.2025

ss

To

1. The Chairman
Tamil Nadu Housing Board
No.331, Anna Salai
Nandanam, Chennai 600 035



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2. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009

3. The District Collector
Thiruvallur District, Thiruvallur



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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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